

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26501 of 2006

29.12.2006

Between:

K.Narayanamma, W/o.late Gopala Reddy

And another

... Petitioners

AND

The District Collector, Nellore District

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26501 of 2006

ORDER:

The land admeasuring Acs.3.98 in survey No.436-1 of Epuru bit-1B situated at Pantapalem village of Muthukuru Mandal in Nellore District was originally assigned by way of D-Form patta to one Tupili Sudarsanamma on 30.4.1988. The Mandal Revenue Officer (MRO), Muthukuru Mandal, assigned/alienated the land after collecting requisite market value. Be that as it is, petitioners' mother, Duvvuru Kanthamma, purchased the same from Sudarsanamma under a registered sale deed dated 21.9.1990 and the petitioners at present are running Sri Bhagavan Venkaiah Swamy Old Age Home by raising small huts and thatched structures. The said home is stately housing about 50 old age people. It is alleged that the third respondent along with the staff came to the petitioners' premises and made attempts to trespass into the land and dispossess them. Apprehending further coercive dispossession, present writ petition is filed.

Learned Counsel for the petitioners strenuously contends that when the land was alienated in favour of Tupili Sudarsanamma from whom the petitioners purchased the property and got absolute rights over the same, they cannot be dispossessed without due process of law. Though sufficient time is granted to the learned Assistant Government Pleader for Revenue (Assignment), he did not get any instructions from the respondents. Therefore, the writ petition is disposed of, observing that if the land is assigned to Tupili Sudarsanamma by way of D-Form patta, after collecting or without collecting market value as alleged, the MRO shall conduct necessary enquiry into the matter after giving notice to the petitioners. If it is found that the land was assigned free of cost to Tupili Sudarsanamma, it shall be open to the revenue authorities to take necessary action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, as amended by A.P. Ordinance No.10 of 2006 i.e., A.P. Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2006.

The writ petition, with the above observations, is accordingly disposed

of. No costs.

December 29, 2006.

(V.V.S.RAO,J)

NOTE:

Issue order copy by 04.1.2007.

(By order)

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